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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-367-2024  
Date of decision: 10.01.2024

DALBIR SINGH

...Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kshitij Sharma, Advocate  
for the petitioner.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus/certiorari or any other order/direction with the prayer to firstly quash the order dated 22.12.2022 (Annexure P-7), whereby the legal notice dated 04.09.2022 (Annexure P-6) has been rejected and secondly, to direct the official respondents to consider the petitioner for promotion to the post of Assistant Engineer, w.e.f. the date when his juniors were promoted with a further prayer to re-decide the representation of the petitioner in a time bound manner.

2. Learned counsel for the petitioner submitted that the petitioner was working as a Building Inspector and he was entitled for being promoted to the post of Assistant Engineer but he was ignored for the reasons best known to the respondents and rather his juniors were promoted. He further submitted that the petitioner had submitted a legal notice to the Principal Secretary, Department of

Urban Local Bodies, Haryana dated 04.09.2022 vide Annexure P-6, in which it has been so specifically stated that at the time of selection to the post of Building Inspector, various other persons were also recruited and those who were shown to be junior in the aforesaid recruitment process have since been promoted and specific name of one of the Building Inspector has also been stated in the said legal notice. He also submitted that the reply to the aforesaid legal notice was given by the Director, Urban Local Bodies, Haryana, Panchkula vide Annexure P-7 and said reply was totally cryptic and it has been so stated in the reply that the names of the juniors have not been mentioned in the said legal notice, whereas the serial number etc. have been mentioned. He further submitted that even otherwise also, it was the duty of the concerned officer to have perused the record and not to have taken mechanical objection. He further submitted that apart from the above, instead of passing any order on the aforesaid legal notice, a cryptic reply has been filed by the Director, Urban Local Bodies, Haryana, Panchkula. He further submitted that the petitioner will be satisfied, at this stage, in case a direction is issued to the concerned competent authority to pass a speaking order on the grievance raised by the petitioner in the legal notice (Annexure P-6).

3. Notice of motion.

4. Mr. Samarth Sagar, Addl. A.G., Haryana, accepts notice on behalf of the respondents. He submitted that since the petitioner, at this stage, has made a limited prayer for passing of a speaking order on the legal notice by the concerned competent authority, he has no objection with regard to the same and the same will be done as per the time schedule fixed by this Court.

5. In view of the aforesaid facts and circumstances and after hearing learned counsel for the parties, this Court deems it fit and proper to dispose of the present writ petition at this stage even without calling for the reply from the respondents since the limited prayer of the petitioner at this stage is for directing the concerned authorities for passing a speaking order on the legal notice which has been filed by the petitioner vide Annexure P-6.

6. Consequently, the present writ petition is disposed of. Without commenting on the merits of the case, it is directed that respondent No.1 or respondent No.2 or whoever is the competent authority to decide the legal notice of the petitioner by passing a speaking order on the legal notice dated 04.09.2022 (Annexure P-6) filed by the petitioner strictly in accordance with law and after giving opportunity of hearing to the petitioner or his counsel. The aforesaid speaking order shall be passed within a period of three months from today.

10.01.2024  
Chetan Thakur

(JASGURPREET SINGH PURI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No